IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Crl.MC.No. 3661 of 2007()

CRIME NO.480/07 OF THAMAASSERY POLICE STATION

PETITIONER: ACCUSED

THALAPOYIL ISMAIL,S/O.KUNHAYIL,
P.O.KAITHAPOYIL,KOZHIKODE DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE

---

1. SUB INSPECTOR OF POLICE
THAMAASSERY POLICE STATION
KOZHIKODE.

2. FOUSIYA SULTANA
D/O. G.D.HAMEED KHAN,
DOOR NO-219, HALLADKERI,
GUNDALPETTA TALUK, KAMARAJ DISTRICT
KARNATAKA.

3. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

BY ADV. SRI.K.M.FIROZ
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3661 of 2007

Dated this the 10th day of December, 2007

O R D E R

Against the petitioner, a crime has been registered alleging offence punishable, inter alia, under Section 498 A I.P.C. That crime in turn was registered on the basis of a private complaint filed by the 2nd respondent, the wife of the petitioner. That complaint was referred by the learned Magistrate to the police under Section 156(3) Cr.P.C and consequently the crime - Crime No.480 of 2007 of Thamarassery Police Station has been registered against the petitioner. Investigation is in progress.

2. In the meantime, the petitioner and the 2nd respondent have settled their disputes amicably. The petitioner and the 2nd respondent have appeared before this Court through counsel and they report that the matter has been settled between the parties. An affidavit is filed by the 2nd respondent as Annexure-C before this Court to report to the Court that the matter has been settled between the rival contestants. Counsel for the 2nd respondent vouches that the matter has been settled and the affidavit has been signed by the 2nd respondent/informant/complainant.

3. I am satisfied, from the submissions made at the Bar and from Annexure-C, that the parties have settled their disputes amicably and that the 2nd respondent has compounded the offence allegedly committed by the petitioner herein. The parties have dissolved the marriage between them. All monetary claims of the 2nd respondent has been settled, paid and discharged also. In these circumstances, parties do not want to continue with the proceedings which is surviving only as an unnecessary irritant after the harmonious settlement of the disputes.

4. Offence under Section 498 A I.P.C is not legally compoundable. Counsel in these circumstances rightly place reliance on the decision in **B.S.Joshy v. State of Haryana** [A.I.R (2003) SC 1386] in support of the prayer to quash the F.I.R. I am satisfied that this is an eminently fit case where the powers under Section 482 Cr.P.C can be invoked to bring to premature termination the proceedings initiated against the petitioner.

5. In the result, this Crl.M.C is, allowed. Crime No.480 of 2007 of Thamarassery Police Station is hereby quashed.

(R.BASANT, JUDGE)

rtr/-